

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7211**

**BILL NUMBER:** HB 1557

**NOTE PREPARED:** Jan 9, 2011

**BILL AMENDED:**

**SUBJECT:** Child in Need of Services.

**FIRST AUTHOR:** Rep. Dermody

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes a rebuttable presumption that a child is a child in need of services (CHINS) if the child is born with fetal alcohol syndrome or born with any amount of a controlled substance or legend drug in the child's body. The bill establishes a rebuttable presumption that a child is a CHINS if the child has an injury, has an abnormal physical or psychological development, or is at a substantial risk of a life threatening condition due to the mother's use of alcohol, controlled substances, or legend drugs during pregnancy.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** This bill may decrease the workload of Department of Child Services (DCS) staff to defend state decisions regarding a CHINS determination. Decreases in workload will depend on the number of children born with fetal alcohol syndrome or any amount of a controlled substance or legend drug in the child's body whose parents elect to challenge the DCS determination in court. Actual increases are unknown, but expected to be minimal.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill may decrease court caseload to the extent parents of children who are determined to be CHINS rebut this presumption in court. Actual decreases are unknown but expected to be minimal.

**Explanation of Local Revenues:** If this bill decreases the number of court hearings to rebut a DCS CHINS determination, local revenue may decrease from juvenile court fees. For each action filed under either a

CHINS case, juvenile delinquency case, or a paternity action case, the county clerk is required to collect a fee of \$120 (additional fees may also be collected as required). Actual decreases are unknown, but expected to be minimal.

**State Agencies Affected:** DCS.

**Local Agencies Affected:** Local juvenile courts.

**Information Sources:**

**Fiscal Analyst:** Bill Brumbach, 232-9559.